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Conversation: Spyware Workshop - Comment, P044509
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Thank you for offering a forum that allows America's millions of computer users to comment on the urgent need for federal regulation of the out-of-control spyware, adware and trackingware industry.

Although the commercial adware industry may argue that such regulation would impose a prior restraint on free trade and freedom of speech, millions of Americans would argue that deceptive, unconsenting use of their computers by private commercial enterprises violates both their right to privacy and their private property rights. After all, my computer is my private property and no one has the right to use it for their own purposes without my permission, just as no one has a right to paint a sign on my car, erect a billboard in my front yard or enter my home without prior consent or authorization. Adware also poses a very real threat to our right to privacy, because once installed on a computer all control is lost over the kinds of information the adware may gather unless the computer owner has spent the time, effort and money to install elaborate safeguards (which may or may not always work) to protect sensitive identity and financial records. Installing trackingware on one's computer is like inviting a stranger into your home and accepting his word that he won't steal anything, and that his only intent is to follow you around all day to see where you go. Yeah, riiight!

The adware industry's argument that consumers knowingly and willingly install their software because they click a button indicating they agree to the terms of the End User License is hogwash. Most End User License agreements are a jungle of tangled legal jargon spread across multiple pages of dense text that must be read through a small window on the desktop, and are only cursorily examined if at all during the installation process by trusting consumers. It's the old "confuse 'em with boilerplate" trick, and the FTC should put a stop to it by issuing regulations for the trackingware industry that would protect consumers in the same way as the Truth In Lending law or regulations against deceptive and misleading advertising do.

Sincerely,

Bill Williamson
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